

DLD-210

April 26, 2007

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. **06-4917**

MARK A. SPRUANCE

v.

THOMAS L. CARROLL, et al.

(D. Del. Civ. No. 06-cv-00337)

Present: BARRY, AMBRO and FISHER, Circuit Judges

Submitted are:

- (1) Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1); and
- (2) Appellant's memorandum in support in the above-captioned case.

Respectfully,

Clerk

MMW/SR/slc

ORDER

The foregoing request for a certificate of appealability is denied. As explained by the District Court, it lacked jurisdiction to entertain the appellant's second habeas corpus petition because he had not previously obtained authorization from this Court to file it. See Burton v. Stewart, 127 S.Ct. 793 (2007).

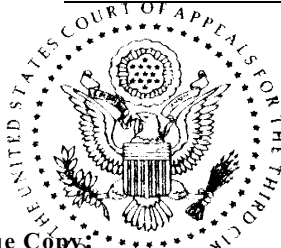
By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: May 17, 2007

SLC/cc: Mark A. Spruance, Esq.

Elizabeth R. McFarlan, Esq.



Marcia M. Waldron

Marcia M. Waldron, Clerk